

U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

January 31, 2000

R.W. Casselberry, Esq.
Fulbright & Casselberry
211 North Houston Avenue
Lamesa, Texas 79331-5441

Dear Mr. Casselberry:

This refers to your request that the Attorney General reconsider and withdraw the July 16, 1999, objection interposed under Section 5 of the Voting Rights Act, 42 U.S.C. 1973c, to the deannexation, by referendum, of the territory previously annexed under Ordinance No. O-06-98 of the City of Lamesa in Dawson County, Texas. We received your request on December 2, 1999.

At this time, I remain unable to conclude that the City of Lamesa has carried its burden of showing that the submitted change has neither a discriminatory purpose nor a discriminatory effect. See Georgia v. United States, 411 U.S. 526 (1973); see also the Procedures for the Administration of Section 5 (28 C.F.R. 51.52). Therefore, on behalf of the Attorney General, I must decline to withdraw the objection to the deannexation in question, and the change continues to be legally unenforceable. See Clark v. Roemer.

On January 24, 2000, the Supreme Court issued its decision in Reno v. Bossier Parish School Board, 2000 U.S. WL 48425 (U.S. Jan. 24, 2000), in which the court construed the preclearance requirements of Section 5 of the Voting Rights Act. In light of this decision I have concluded that it is necessary to consider its implications for the reconsideration of this objection. I will reevaluate our objection in light of the Supreme Court's decision, see 28 C.F.R. 51.46, and inform you of the results of that revaluation upon its completion.

Sincerely,
Bill Lann Lee
Acting Assistant Attorney General
Civil Rights Division

cc: Mr. Robert Gorsline